

Appl. No. : 10/734,776
Filed : December 12, 2003

REMARKS

The Applicants thank the Examiner for carefully examining the present application. By way of summary, Claims 34-41 and 44-51 were pending in this application. In the present amendment, the Applicants have amended Claims 34, 36, 37, 38, 40, 41, 44, 46, 47, and 48-51 and have canceled Claims 35 and 45. Accordingly, Claims 34, 36-41, 44, and 46-51 remain pending for consideration.

Support for amended Claims 34 and 44 may be found, for example, in the specification at paragraph [0065] and in FIG. 1B.

Request for Continued Examination

Applicants are filing a Request for Continued Examination with the present response.

Claims 34-40 and 44-50 Are Not Anticipated by Oki

Claims 34-40 and 44-50 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 4,972,489 to Oki et al. ("Oki"). Applicants respectfully traverse the rejection. However, to expedite prosecution, Applicants have amended the claims as described above.

Claims 34-40

Claim 34 has been amended to recite, among other things,

A method of generating a monophonic output from a pair of input signals, the method comprising:

receiving left and right stereo inputs to an audio enhancement system;

phase adjusting the left input to produce left phase adjusted information;

enhancing the left input with a first perspective filter to produce left enhanced information, the first perspective filter operative to enhance spatial characteristics of the left input;

enhancing the right input with a second perspective filter to produce right enhanced information, the second perspective filter operative to enhance spatial characteristics of the right signal;

phase adjusting the right input to produce right phase adjusted information;

inverting the right enhanced information to produce inverted right enhanced information; and

combining . . . to generate an enhanced monophonic output, wherein phase adjusting the left and right inputs preserves audio information during said combining.

Applicants respectfully traverse this rejection because Oki fails to identically teach every element of amended Claim 34. For example, Oki fails to teach or suggest, among other things, "receiving left and right stereo inputs to an audio enhancement system" and "wherein phase adjusting the left and right inputs preserves audio information such that signal cancellation is avoided during said combining."

In contrast, Oki teaches a system for eliminating a standing sound wave in an automobile. Oki, Abstract. One signal source (e.g., from a radio) is provided to two bandpass filters which "produce components of . . . frequency bands of the audio signal of respective desired ranges." Id. at figure 5; col. 3:12-19. This single input source cannot be "left and right stereo inputs to an audio enhancement system," as recited by Amended Claim 1.

The bandpass filters of Oki are used to eliminate the standing waves in the automobile. Id. at col. 4:7-15. By teaching the eliminating of standing waves, Oki is **teaching away from** phase adjusting the left and right inputs preserves at least a portion of the audio information during combining. Thus, for at least these reasons, Oki fails to teach or suggest all the features of amended Claim 1.

Thus, for at least these reasons, Claim 34 is allowable over the applied art. Claims 36-41 depend from Claim 34 and are therefore patentable for at least this reason as well. Claims 36-41 are also patentable due to the unique combination of features recited therein. Therefore, Applicants respectfully request allowance of Claims 34 and 36-41.

Claim 39

The Office Action cites the Abstract of Oki for the teaching that the "acts of enhancing are dependent on speaker characteristics of the speaker." Office Action, page 4. However, Applicants respectfully submit that the Abstract of Oki does not even mention the word "speaker," let alone teach that an enhancement can be based on

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characteristics of a speaker. Thus, for at least these reasons, Applicants submit that Claim 39 is patentably distinguished over Oki.

Claims 44-51

For reasons similar to those stated above with respect to Claim 34, Applicants respectfully submit that Oki fails to teach or suggest, among other things, "a left phase adjuster operatively coupled to a left input to an audio enhancement system to produce left phase adjusted information," "a right phase adjuster that adjusts the phase of the right input to produce right phase adjusted information," and "wherein the left and right phase adjusters preserve audio information such that signal cancellation is avoided during said combining by the mixer," as recited by amended Claim 44.

Thus, for at least these reasons, Claim 44 is allowable over the applied art. Claims 46-51 depend from Claim 44 and are therefore patentable for at least this reason as well. Claims 46-51 are also patentable due to the unique combination of features recited therein. Therefore, Applicants respectfully request allowance of Claims 44, 46-51.

Claim 49

For reasons similar to those stated above with respect to Claim 39, Applicants respectfully submit that Oki fails to teach or suggest, among other things, "wherein parameters of the left and right enhancers are dependent on speaker characteristics of the speaker," as recited by amended Claim 49.

Claims 41 and 51 Are Not Obvious Over Oki

The Office Action rejected Claims 41 and 51 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Oki. Applicants respectfully disagree with the Office Action's statement that "using a DSP for performing audio signal processing, such as phase shifting, inverting, enhancing and combining, is notoriously well known in the art." However, Applicants respectfully submit that the Office Action's characterization of the knowledge of one skilled in the art is moot, because Claim 41 depends from amended Claim 34 and is therefore believed to be patentable for the same reasons articulated above with respect to Claim 34.

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Similarly, Claim 51 depends from amended Claim 44 and is therefore believed to be patentable for the same reasons articulated above with respect to Claim 44. Claims 41 and 51 are also believed to be patentable because of the additional features recited therein. Thus, Applicants respectfully request allowance of Claims 41 and 51.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request that the Examiner withdraw the outstanding rejections and allow the present application. If any issues arise during examination, the Examiner is invited to call the undersigned representative at his direct dial number listed below.

By focusing on specific claims and claim limitations in the discussion above, Applicants do not intend to imply that other claim limitations are disclosed or suggested by the art of record.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: December 18, 2008

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